

G.R. No. 102/2015
New GR No. 2067/2017
JO Code : - WB01208

26/02/2021

Today is fixed for evidence.

Both the accused on CB are present by filing hazirah along with their Ld. Advocate.

Ld. Prosecution is also present.

No witness turned up.

Summons not returned. It is now 1.00 PM.

Heard. Perused the record at length.

Considered.

It is evident from the record on 25.08.2017 charged was framed. Then by process no. 641 dated 01/08/2018 summons was issued upon CSW-1 i.e. the defacto complainant and the same was returned back with a report that no such person as per the given name and address of the CSW-1. Accordingly, this Court issued fresh summons vide process no. 182 dated 18/02/2019 and the same did not return back but interestingly the said CSW-1 i.e. the defacto complainant on 29/03/2019 as day fixed for evidence appeared but taken time on the ground of illness. That very conduct clearly shows that the said witness has knowledge of this case. He was given another date 13/05/2019 for evidence but again evidence not taken because of non-appearance of Ld. Advocate because of pen down. On that very date the said witness also not turned up. Accordingly next date fixed on 21.01.2020 and on the said next date the said witness prayed for another date as he was not in a position to give evidence because of his illness and the same was allowed with a specific direction to appear on the next date. So, the conduct of the said witness again shows that he is well aware of the case proceeding and dates. On 19/02/2021 this Court issued again a fresh summons vide process no. 104/2021 dated 19/02/2021 by fixing today for evidence and again the witness not turned up. Though no summons as not returned, this Court not inclined today to pass a harsh order for must appearance of the said witness.

Considering all aspects, this Court thinks a fresh summons once more may be issued. At the same time this Court also intends to issue summons upon CSW-3 to speed up the trial.

Issue fresh summons upon CSW-1 & 3 at once.

BC-II to do the needful.

Fix **17/04/2021** for evidence of CSW-1 & 3.

J.M. 1st Court Uluberia